

### Remarks

The Office Action mailed January 10, 2007 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1 and 4-23 are now pending in this application. Claims 1-23 stand rejected. Claims 2 and 3 have been canceled. Claim 1 has been amended to include the recitations of dependent Claims 2 and 3.

The rejection of Claims 16, 17-20 and 23 under 35 U.S.C. § 102(b) as being anticipated by Saito (EP 1 148 671) is respectfully traversed.

Saito describes an information distribution system that includes a mobile station (10) that receives ground wave digital broadcast service from a broadcast station (70). The broadcast station (70) includes databases for providing a music delivery service including a music song database (71), a popular song database (72), and a test-listen database (73). The popular song database (72) includes popular songs, which are defined as music songs that have been delivered many times over a predetermined time period. The test-listen database (73) includes music song data segments produced by extracting a characteristic part of the popular songs to be broadcast on a popular song test-listen channel of the music delivery service. The mobile station (10) includes a tuner (15) that tunes to a broadcast channel selected by the user and receives the selected broadcast waves via a broadcast wave receiving antenna (151) to demodulate the received waves.

Mobile station (10) can be tuned to one of two channels, "mch1" and "mch2." Channel "mch1" circularly broadcasts the music song data segments of the popular songs for the purpose of downloading. Channel "mch2" broadcasts the test-listen data segments. When a user with a mobile station (10) tuned to Channel "mch2" requests to download a popular music song data segment, the request, including a mobile station ID and a music song ID, is transmitted to a delivery management server (60). Upon receipt of this request, the delivery management server (60) transmits a decrypting key and the music song ID to the requesting mobile station. The decrypting key is utilized for decrypting the encrypted music song data segments delivered to the

mobile station. The music song data segments themselves are received by the mobile station over the Channel "mch1" of the broadcast station (70). Notably, mobile station (10) is described as including only one tuner (15). See Saito at Paragraph 44 and Figure 10.

Claim 16 recites a mobile unit including, "a bi-directional communications system for receiving and sending transmissions from and to a wireless bi-directional communications network; a first broadcast receiver system for (i) receiving a real time broadcast transmission over a selected one of a plurality of selectable broadcast channels from a broadcast network having a coverage area overlapping with the bi-directional communications network, and (ii) receiving a data file over a download channel from the broadcast network, the selected one broadcast channel and the download channel being different channels; a storage; a user output device selected from the group consisting of a speaker and a display; and a processor connected to the communications systems, the storage and the user output device for (i) sending a request for a playable media file through the bi-directional communications system to the wireless bi-directional communications network, the request including information identifying the mobile unit, and (ii) receiving the data file from the broadcast network through the first broadcast receiver system and storing the data file in the storage while at the same time receiving the real time broadcast transmission from the broadcast network through the first broadcast receiver system and generating a corresponding real time output on the user output device in response thereto."

Saito does not describe or suggest a mobile unit that includes a processor connected to a communications system for receiving a data file from the broadcast network through a first broadcast receiver system and storing the data file in a storage, while at the same time receiving the real time broadcast transmission from the broadcast network through the first broadcast receiver system and generating a corresponding real time output on the user output device in response thereto, as recited in Claim 16. Rather, in contrast to the recitations of Claim 16, Saito describes a mobile station that includes one tuner that may be tuned to one of two channels, either a channel broadcasting test-listen data segments of songs ("mch2") or a channel circularly broadcasting popular songs for download by a user ("mch1"). As such, Saito does not describe a mobile unit able to receive and store a data file from the broadcast network while at the same time receive a real time broadcast transmission from the broadcast network for a user to listen to.

Accordingly, for at least the reasons set forth above, Claim 16 is submitted to be patentable over Saito.

Claim 17 depends from independent Claim 16. When the recitations of Claim 17 are considered in combination with the recitations of Claim 16, Applicant submits that dependent Claim 17 likewise is patentable over Saito.

Claim 18 recites a method for tracking reception information for a wireless subscriber unit. The method includes “(a) receiving at a subscriber unit over time a plurality of selectable broadcast signals broadcast over a plurality of selectable channels by a wireless broadcast network; (b) storing at the subscriber unit usage information about use by the subscriber unit of the wireless network; and (c) transmitting the stored usage information from the subscriber unit to a bi-directional wireless communications network that has an overlapping coverage area with the broadcast network.”

Saito does not describe or suggest a method for tracking reception information for a wireless subscriber unit, wherein the method includes storing usage information at a subscriber unit and transmitting the stored usage information from the subscriber unit to a bi-directional wireless communications network. Rather, in contrast to the recitations of Claim 18, Saito describes a method of determining popular songs. However, the method of determining popular songs described by Saito does not include storing usage information at the mobile station (10), but rather describes creating a popular song database (72) based on the delivery log information provided from the delivery management server (60).

Accordingly, for at least the reasons set forth above, Claim 18 is submitted to be patentable over Saito.

Claims 19-20 and 23 depend from independent Claim 18. When the recitations of Claims 19-20 and 23 are considered in combination with the recitations of Claim 18, Applicant submits that dependent Claims 19-20 and 23 likewise are patentable over Saito.

For at least the reasons stated above, Applicant respectfully requests that the Section 102 rejections of Claims 16, 17-20 and 23 be withdrawn.

The rejection of Claims 1-15 and 21-22 under 35 U.S.C. § 103(a) as being unpatentable over Saito in view of Rothblatt (WO 99/13616) is respectfully traversed.

Saito is described above. Rothblatt describes a method for providing remote user terminals with global portable Internet access using a satellite direct radio broadcast system. The system includes user terminals (22) that include a digital broadcast receiver (21) and a Low Earth Orbit (LEO) transceiver (84). The LEO transceiver (84) transmits an identification code, password, if used, and/or a simple access request to one or more system gateways (23) via a LEO satellite (24). If the user requests Internet access, the LEO transceiver (84) sends a request for information to the system gateway (23). In response, the system gateway (23) sends information via an FDM uplink (28) to a digital broadcast satellite (20), where the information is processed and transmitted in a Time Division Multiplex (TDM) format to the user terminal (22). TDM techniques are used for downlink transmission (30) from the satellite (20) to the user terminal (22). Each user terminal (22) can tune to one of the TDM carriers.

Claim 1 recites a method of broadcasting information and data files to mobile units, the method including, “(a) receiving, through a bi-directional wireless network, a data request from a requesting mobile unit, the data request including identification information for the requesting mobile unit; (b) associating the data request with a digital data file; (c) broadcasting the digital data file together with identification data for the requesting mobile unit over a download channel on a broadcast network that has a plurality of broadcast channels and an overlapping coverage area with the bi-directional wireless network; (d) simultaneously with step (c), broadcasting on at least one broadcast channel of the broadcast network other than the download channel a media signal for real-time reception by mobile units tuned to the at least one other broadcast channel; (e) receiving the identification data at the requesting mobile unit, determining if the identification data corresponds to the requesting mobile unit, and if so, receiving and storing the digital data file at the requesting mobile unit for future use; and (f) simultaneously with step (e) receiving the media signal broadcast on at least one broadcast channel of the broadcast network other than the download channel for real-time reception at the requesting mobile unit.”

The Examiner acknowledges at page 6 of the present Office Action that “Saito fails to teaches, simultaneously with step (c), broadcasting on at least one broadcast channel of the

broadcast network other than the download channel a media signal for real-time reception by mobile units tuned to the at least one other broadcast channel.” Further, Applicant submits that neither Saito nor Rothblatt, described alone or in combination, describes or suggests a method of broadcasting information and data files to mobile units that includes (a) broadcasting a digital data file over a download channel on a broadcast network that has a plurality of broadcast channels, while simultaneously broadcasting a media signal on at least one broadcast channel of the broadcast network other than the download channel; and (b) receiving and storing the digital data file at the requesting mobile unit for future use, while simultaneously receiving the signal broadcast on the at least one other broadcast channel for real-time reception at the requesting mobile unit.

Rather, in contrast to the recitations of Claim 1, Saito describes a mobile station (10) that includes one tuner able to receive either information from a test-listen channel or from a download channel, and Rothblatt describes a plurality of individual channels of a broadcast system that are routed via a switch to one or more of a plurality of downlink beams (30), but does not describe a user terminal (22) able to receive a media signal broadcast on a broadcast channel of the broadcast network other than a download channel, while simultaneously receiving a data file broadcast on the download channel. Further, although Rothblatt describes that the user terminal (22) is capable of receiving and reproducing audio programs and data simultaneously, Rothblatt does not describe a user terminal able to simultaneously receive one signal broadcast on one channel, and a second signal broadcast on a different channel.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Saito in view of Rothblatt.

Claims 2 and 3 have been canceled. Claims 4-15 depend from independent Claim 1. When the recitations of Claims 4-15 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 4-15 likewise are patentable over Saito in view of Rothblatt.

Claims 21 and 22 depend from independent Claim 18. Claim 18 is recited above.

Neither Saito nor Rothblatt, considered alone or in combination, recites a method for tracking reception information for a wireless subscriber unit, wherein the method includes storing at a subscriber unit usage information and transmitting the stored usage information from the subscriber unit to a bi-directional wireless communications network. Rather, in contrast to the recitations of Claim 18, Saito describes a method of determining popular songs. However, the method of determining popular songs described by Saito does not include storing usage information at the mobile station (10), but rather describes creating a popular song database (72) based on the delivery log information provided from the delivery management server (60). Also rather than a method for tracking reception information that includes storing at a subscriber unit usage information as recited in Claim 18, Rothblatt describes a system gateway (23) that stores data requested by many users over a predetermined period of time in a download buffer. See Rothblatt at Page 7, lines 22-25.

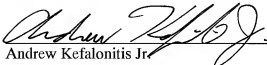
Accordingly, for at least the reasons set forth above, Claim 18 is submitted to be patentable over Saito.

Claims 21 and 22 depend from independent Claim 18. When the recitations of Claims 21 and 22 are considered in combination with the recitations of Claim 18, Applicant submits that dependent Claims 21 and 22 likewise are patentable over Saito in view of Rothblatt.

For at least the reasons stated above, Applicant respectfully requests that the Section 103 rejections of Claims 1-15 and 21-22 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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